

September/October 2004



CM/ECF NEWS

U.S. BANKRUPTCY COURT WESTERN DISTRICT OF NY

CM/ECF SYSTEM UPGRADE

On Saturday, September 11, 2004, the Court will install the latest version of the CM/ECF software (Version 2.5). Please note that CM/ECF will be down from 8:00 a.m. to noon on September 11, 2004 due to the upgrade. This upgrade will affect Internet Credit Card payments, due to a change requested by the U.S. Treasury. Most portions of the internet payment process will remain the same, except for minor modifications:

Selecting "Pay Now", an "Enter Payment Information" screen will open. You will notice this screen differs slightly from the screen you are currently using under Version 2.4.

The Cardholder name, the first address line, and zip code default to the values shown in the CM/ECF utilities "Maintain Your ECF Account". You must enter the type of credit card you are using, card number and expiration date. The amount owed will appear under "Payment Amount". Click "Continue".

A Payment Summary and Authorization screen appears next. You must click the Authorization checkbox before clicking the

"Make Payment" button. You may also enter your e-mail address to receive electronic receipt from Pay.Gov. A receipt generated by CM/ECF is displayed upon successful processing of this transaction. The receipt now has a link for printing, and the transaction number has a different format.

ELECTRONIC NOTIFICATION REPORT

A new report has been created to allow users to display a list of registered e-filers for a particular case.

If the pleading is an initiating paper in a contested matter under Rule 9014, "conventional" service must be made as required by Rule 7004. Responsive papers and pleadings not governed by the Rule 7004 service requirements can be e-served. To run this report:

Click '**Query**' on the ECF Main Menu Bar
Enter Case Number, '**RUN QUERY**'
Click on the '**Mailing Information**' hyperlink.

A list of CM/ECF registered parties who will receive electronic "notice" through

CM/ECF for this case will be displayed. A list of parties in the case who are not CM/ECF registered will also be displayed. These parties will not receive electronic notice through CM/ECF.

CONSULT THE COURT'S ADMINISTRATIVE PROCEDURES BEFORE YOU ACT

Many attorneys are e-filing in more than one district. It is important to recognize that filing procedures and service requirements differ from District to District. There are some subtle but important differences in the approach to ECF between the New York Bankruptcy Courts.

For example, the Western District of New York uses the internet credit card payment module allowing e-filers to pay their filing fees online themselves. When payments for filing fees are not made within 48 hours of the initial filing, the filer is "locked out" of ECF. An e-mail notification is sent to the filer advising of the lock-out and the necessity to bring payments current. The filer may pay the fees in ECF (**Utilities>Internet Payments Due**), but cannot file documents until the payment is made. This Court does not automatically charge unpaid filing fees to the credit card on file, as is the practice of the Northern District of New York.

To keep current on the practices and procedures of this District, please refer to the Administrative Procedures, Administrative Orders No. 1 through 5, and other documents found on our website at www.nywb.uscourts.gov

FILING ADVERSARY PROCEEDING DOCUMENTS

Adversary Proceedings are assigned their own number which is a separate and distinct number from the Bankruptcy Case Number (i.e. AP yy-nnnn). When e-filing AP documents, please be sure that the document or pleading that you are filing contains both the Bankruptcy Case Number and the Adversary Proceeding Number. When you are e-filing the document or pleading, it must be e-filed to the AP Case Number.

ELECTRONIC CASE FILINGS

As of September 1 2004, there were 505 Non-Court Users registered as E-Filers. During the period of August 1, 2004 - August 31, 2004, 39% of new cases were filed electronically, an increase of 8%. Also for this time period, 14% of the total number of docket entries were made by Non-Court User e-filers, an increase of 2%.